SINGLE BENCH

(2) (4)

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 845 OF 2006 7

PETITIONER : Samaroo Lal Chauhan, Son of Shri Girdhar Chauhan, aged about 36 years, Presently posted at Govt. Primary School , Block Basna, District Mahasamund (C.G.).

P.R. No. 4807
Presented by Shri S.P. Sahu
dated 3/12/07

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through: The Secretary, Department of School Education, D. K. S. Bhawan, Raipur (C.G.).

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2. The District Education Officer, Mahasamund, District Mahasamund (C.G.).

3/12/06

3. The Block Education Officer, Basna, District Mahasamund (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER/ORDERS, DIRECTION/DIRECTIONS.

1. PARTICU

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 845 of 2007

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Petitioner : Samaroo Lal Chauhan

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri P.P. Sahu, Advocate for the Petitioner.

Shri Satish Gupta, Deputy Government Advocate for the State/respondents.

ORDER

(Passed on this 13th day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Assistant Teacher in the Government Primary School Kashipali, Block Basna, District-Mahasamund. The petitioner has obtained B.T.I. Examination certificate in the year 1992, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B.T.I. Examination Certificate on his own expenses, is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court

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in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired B.T.I. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash